

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 185

CASE NO. 77-14

October 13, 1977

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on September 12, 1977. At this hearing the Commission considered an application, by the District of Columbia Department of Housing and Community Development, for an amendment to the Zoning Map of the District of Columbia.

FINDINGS OF FACT

1. The applicant has requested a Zoning Map change from C-2-A and R-5-B to R-5-C for Lots 69, 118-121 inclusive, 126 - 136 inclusive, 148 - 152 inclusive 201, 202, 817 - 832 inclusive, 834, 835, 837, and adjacent public streets and alleys to be closed in Square 204 located at and bounded by 14th, 15th, "U" and "V" Streets, N.W.

2. The site has been partially cleared for redevelopment. The remaining structures include row houses along Portner Pl-ce, and V Street. There is a playground located at the northeast corner of the intersection of 15th and U Streets and a church on the northeast corner of Portner Place and U Street, N.W.

3. The C-2-A District permits commercial uses to a height of 60 feet and a floor area ratio of 2.0, with residential FAR limited to 1.8. The R-5-B District permits general residential uses, including single-family dwellings, flats, apartments and hotels, to a height of 60 feet with a lot occupancy of 60% and a FAR of 1.8, The R-5-C District permits the same uses as R-5-B with a height of 90 feet, with a lot occupancy of 75%, and a floor area ratio of 3.5.

4. The effect of this application is to increase the height, density, and lot occupancy for residential development on the site. The applicant stated that the site will be developed with 312 units of housing for the elderly using Section Eight Housing Assistance Program Funds. Such funds have been set aside by the Department of Housing and Urban Development for Phase I of the project. Funds for Phase II have not yet been committed.

5. The projected development will be in accordance with the objectives and requirements of the Shaw Urban Renewal Plan adopted by the National Capital Planning Commission and approved by the D.C. City Council on January 28, 1969, as amended,

6. The height, floor area ratio, lot occupancy and off-street parking requirements of the plan and the R-5-C zoning requirements are identical. The applicant stated that 104 parking spaces will be provided to conform with the requirements of one space per three dwelling units,

7. An increasing amount of private rehabilitation of residential properties is underway in nearby portions of Shaw and in the area to the west of the subject site. The surrounding neighborhood is predominantly residential in use, with high rise apartments located along New Hampshire Avenue, one block to the west. The remaining residential development is primarily low rise and medium rise townhouses and apartments. The proposed site is within two blocks of a proposed metro station. This should provide improved accessibility from the site to downtown and other parts of the city.

8. The Municipal Planning Office by report dated August 30, 1977, and by testimony presented at the hearing, recommended that rezoning the subject site to C-2-B rather than R-5-C would be more consistent with the intent and purpose of the Zoning Regulations and the Shaw Urban Renewal Plan. The C-2-B zone provides similar area, height, density, and parking requirements to the R-5-C District, with the addition of allowing retail uses on the ground floor and office use on the second floor.

9. The Municipal Planning Office reported that the District of Columbia Departments of Environmental Services, Transportation, Economic Development and Housing and Community Development have found that adequate public facilities exist to serve the proposed development, and that the various departments had no objections to the proposed development. The Fire Department did state that the water mains on adjacent streets should be enlarged to increase the amount of water available to fight fires, such enlargement can be accommodated by the Department of Environmental Services, the Fire Department and the applicant.

10. ANC - 1B submitted no comment on the application.

11. Eight resident of the immediate area opposed the application on the grounds that the proposed height of the structure is out of character with the existing neighborhood, and that traffic would be substantially increased. There is testimony in the record that at similar existing elderly housing projects in the city, there is a very low level of automobile ownership and usage.

12. The U Street area was formerly a major apartment shopping area for the Shaw area. Since the riots of 1968, that area has declined as a shopping area, and the Shaw area is now severely lacking in commercial facilities.

13. The application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act and the National Capital Planning Commission reported that the proposed amendment would not have a negative effect on the interest and functions of the Federal Establishment with the National Capital, is in accordance with the Urban Renewal Plan for the Shaw School Urban Renewal Area and is not inconsistent with the Comprehensive Plan for the National Capital,

CONCLUSIONS OF LAW

1. Rezoning to R-5-C for Phase I is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797), by furthering

the general public welfare and serving to stabilize and improve the area.

2. Rezoning to R-5-C for Phase I will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.

3. The requested R-5-C zoning will not have an adverse impact on the surrounding residential neighborhood.

4. There are adequate public facilities to serve development under the proposed zoning.

5. The proposed rezoning promotes orderly development in accordance with objectives and requirements of the Shaw School Urban Renewal Plan.

6. Rezoning of the entire site to R-5-C without provision of adequate commercial facilities to serve this development as well as the general area would not be consistent with the needs of the area.

DECISION

The Commission has determined that the proposed development is to be built in two phases. Phase I has been approved by the Department of Housing and Community Development and construction of the building should be permitted to help centralize and rehabilitate the Shaw Urban Renewal Area. Funds for Phase II have not yet been committed. The Commission believes that this development should include some commercial facilities to serve the proposed housing for the elderly, as well as the general neighborhood, which is severely lacking in commercial uses. The R-5-C District does not permit adequate commercial uses.

In consideration of the Findings and Conclusions herein, the Commission therefore hereby Orders the following actions:

1. Change from R-5-B and C-2-A to R-5-C that portion of the subject site, marked as Phase I on the site plan numbered as Public Hearing Exhibit No. 3, bounded as follows:

On the north, by the centerline of V Street, N.W.;
On the west, by the centerline of 15th St., N.W.;
On the south, by the centerline of U Street, N.W.;
On the east, by a line parallel to 15th Street
and 188.83 feet from the right-of-way of 15th
Street beginning at the centerline of V Street
and extending 245 feet south from the right-of-way
of V Street, then extending west parallel to
and 75 feet from the right-of-way of U Street,
then extending south parallel to and 113.83 feet
from the right of way of 15th Street ending at
the centerline of U Street, N.W.

2. Deny the change from R-5-B and C-2-A to R-5-C for
that portion of the subject site, marked as Phase II on the
site plan numbered as Public Hearing Exhibit No. 3, bounded as
follows:

On the north, by the centerline of V Street, N.W.;
On the east, by the eastern right-of-way line of
the public alley included in the application and
proposed to be closed;
On the south, by the centerline of U Street, N.W.;
On the west, by a line parallel to 15th Street and
188.83 feet from the right of way of 15th Street
beginning at the centerline of V Street and
extending 245 feet south from the right-of-way
of V Street, then extending west parallel to and
75 feet from the right of way of U Street,
then extending south parallel to and 113.83 feet
from the right of way of 15th Street, ending at
the centerline of U Street, N.W.

Vote of the Commission taken at the public hearing held on
September 12, 1977: 3-0 (Commissioners Ruby B. McZier, John G.
Parsons, and Theodore F. Mariani to GRANT, Commissioners
Walter B. Lewis and George M. White not present not voting).



THEODORE F. MARIANI
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on October 13, 1977, by a vote of 3-0 (John G. Parsons, Ruby B. McZier and Theodore F. Mariani to adopt, Walter B. Lewis and George M. White not voting, not having participated in the case).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this Order is effective on 21 OCT 1977.